



December 12, 2007

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Portals II, Room TW-A325
Washington, DC 20554

Re: *Ex Parte* Notice in CC Docket No. 01-92, Developing a Unified
Intercarrier Compensation Regime

Dear Ms. Dortch:

On December 3 and 4, 2007, David Clark, CEO of CommPartners Holding Corporation ("CommPartners"), and Kristopher Twomey, Regulatory Counsel, met with Scott Bergmann, Legal Advisor to Commissioner Adelstein and John Hunter, Legal Advisor to Commissioner McDowell. We discussed CommPartners' position on intercarrier compensation reform and its response to *ex parte* filings made by NECA and the Voice on the Net Coalition. CommPartners stressed its agreement with the need for broad intercarrier compensation reform that was technologically and protocol neutral. CommPartners agreed with NECA and USTA that there is general consensus in the industry that the issue of phantom traffic could be addressed in an interim order.

CommPartners described how NECA's legal argument for applying switched access charges to IP-originated traffic is flawed. The Commission can not simply apply switched access to IP-originated traffic as NECA implies. Switched access charges only apply to Title II telecommunications traffic. IP-originated traffic that undergoes a net protocol conversion to time division multiplexing before termination meets the standard definition of enhanced services. 47 C.F.R. § 64.702(a) specifically states that enhanced services are not subject to Title II. Because enhanced services like IP-originated traffic are solely governed by Title I regulation, Title II switched access rules can not apply.

CommPartners also detailed its opposition to NECA's requests to apply switched access charges to Internet protocol-originated traffic until reform of the intercarrier compensation system and universal service programs are completed. To do so now would prejudice the Commission's ongoing attempts to determine the proper form and amounts of subsidization received by the rural incumbents. Suggestions by NECA and some of its members that VoIP carriers' disputed access charge bills were a strain on rural incumbent carriers operations were rebutted by examples of typical rural LEC monthly access charge bills of a few hundred dollars per month or less.

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Pursuant to Section 1.1206(b) of the Commission's rules, one copy of this electronic notice is being filed in the above-referenced docket. Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristopher E. Twomey". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kristopher E. Twomey
Regulatory Counsel

cc: John Hunter
Scott Bergmann